

Appl. No. 09/935,774
Atty. Docket No. 8231
Amdt. dated April 14, 2005
Reply to Office Action of September 5, 2003
Customer No. 27752

REMARKS

Claims 1 - 36 are pending in the present application and are presented for reconsideration in light of the restriction requirement of September 05, 2003. No additional claims fee is believed to be due.

Response to Requirement for Election of Invention

Applicant has been required, under 35 USC 121, to elect either Invention I, Claims 1-12 and 36, drawn to a system for tracking a plurality of product containers/database comprising data corresponding to tracks through a store, classified in group 705, subclass 22, or Invention II, Claims 13-35, drawn to a method for determining the effects of changing parameters in a store environment, classified in class 705, subclass 10. Applicant elects with traverse the Invention of Group II, for determining the effects of changing parameters in a store environment. The non-elected species remaining in the Application are to be held in abeyance until final disposition of the species. Claims 13-35 are drawn to a method for determining the effects of changing parameters in a store environment elected by the Applicant.

Traversal of Requirement for Election of Invention

Applicant respectfully traverses the Restriction Requirement and submits that the claims of Group I and Group II designated by the Examiner are closely interrelated from a patentability assessment standpoint. In addition, Applicant maintains that the claims of Groups I and II have not actually acquired a separate status in the art, notwithstanding different art classifications which may be artificially assigned for mere cataloging purposes. Therefore, in order to preserve the unity of the invention, both groups should be prosecuted in the same application. Prosecuting Groups I and II together would eliminate duplication of search efforts, thereby simplifying Patent Office examination work. Applicant respectfully requests reconsideration and withdrawal of the requirement to elect either the system for tracking a plurality of product containers/database comprising data corresponding to tracks through a store, or the method for determining effects of changing parameters in a store environment for prosecution on the merits.

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Conclusion

Applicant has made an earnest effort to place the present claims in condition for examination and allowance. WHEREFORE, entry of the elections provided herewith, reconsideration of the claims in light of the above elections, and allowance of Claims 1 to 36 are respectfully requested. In the event that issues remain prior to allowance of the noted claims, then the Examiner is invited to call Applicant's undersigned attorney to discuss any remaining issues.

Respectfully submitted,
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